

NEWS

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FOR IMMEDIATE RELEASE
June 24, 2009

Former Managing Pharmacist Pleads Guilty To Conspiracy to Defraud Health Insurers

(More)

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TRENTON – The former managing pharmacist at a Middlesex County pharmacy pleaded guilty today to conspiring to defraud health insurers, including the federal Medicaid program, by submitting phony claims for reimbursement for prescription drugs, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

Ruben Aguilar, 46, of Montgomery Township, entered his plea before U.S. District Judge Freda L. Wolfson, to a one-count Information charging him with conspiracy to commit health care fraud. Judge Wolfson released the defendant on a \$50,000 bond pending sentencing, which is scheduled for Oct. 2.

At his plea hearing, Aguilar stated that he served as the managing pharmacist at Towne Pharmacy, a privately-owned pharmacy in Dunellen. Aguilar admitted that from 2002 through early 2007, he and others at Towne Pharmacy conspired to submit claims for reimbursement to various health insurers for medications that the pharmacy never dispensed. Aguilar admitted that he and others filled prescriptions with generic versions of certain medications but then submitted claims to health insurers seeking reimbursement for the more expensive, brand-name versions of those medications.

As part of his guilty plea, Aguilar acknowledged that the intended financial loss from the fraudulent scheme was between \$400,000 and \$1 million.

“It is sad and alarming that a person with such education, experience and trust would not only steal from taxpayers but deliberately misrepresent medications to patients, possibly causing them harm,” said Weysan Dun, Special Agent in Charge of the FBI in Newark. “Thankfully, the investigators from the FBI, U.S. Department of Health and Human Services, and the state have put an end to this crime and have hopefully made the public more aware and cautious.”

The charge of conspiracy to commit health care fraud carries a maximum statutory penalty of 5 years in prison and a fine of \$250,000 or twice the aggregate loss to the victims or gain to the defendant.

In determining the actual sentence, Judge Wolfson will consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Marra credited Special Agents of the U.S. Department of Health and Human Services Office of Inspector General, under the direction of Special Agent in Charge Thomas

O'Donnell; Special Agents of the FBI, under the direction of Special Agent in Charge Weysan Dun, in Newark; and Special Agents of the Federal Food and Drug Administration Office of Criminal Investigations, under the direction of Acting Special Agent in Charge Gary Tunkavige, with the investigation, which is continuing.

The government is represented by Assistant U.S. Attorney Christopher J. Kelly, of the U.S. Attorney's Office Securities and Health Care Fraud Unit in Newark.

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Defense Attorney: John McDonald, Esq., Somerville